

_AO91 (Rev. 8/01) Criminal Complaint

United States District Court

United States District Court
Southern District of Texas
FILED

RE

NOV 12 2010

SOUTHERN

DISTRICT OF

TEXAS

David J. Bradley, Clerk
Laredo Division

UNITED STATES OF AMERICA

V.

J. Guadalupe LUNA

Houston, Texas

U.S.

CRIMINAL COMPLAINT

Case Number: 5:10-MJ-2760

FPD
DA/PE 11/17/10

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my

knowledge and belief. On or about November 9, 2009 ^{10 P.C.} in near Zapata, Texas Zapata County, in

(Date)

the Southern District of Texas, J. Guadalupe LUNA defendant(s),

a Mexican National, did unlawfully transport Rosa Esmeralda CARRILLO-Palacios and Juan Carlos GARCIA-Ayon and five other undocumented aliens by means of a motor vehicle within the Southern District of Texas knowing or in reckless disregard of the fact that said aliens had come to, entered, or remained in the United States in violation of law, and transported or moved said aliens within the United States by means of motor vehicle or otherwise, in furtherance of such violation of law.

in violation of Title 8 United States Code, Section(s) 1324 (a) (1) (A) (ii)

Special Agent,

I further state that I am a(n) U.S. Immigration & Customs Enforcement and that this complaint is based on the

Official Title

following facts: based on statements of the accused and records of the Immigration & Customs Enforcement.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No


Signature of Complainant

Roberto Carrera

Printed Name of Complainant

Sworn to before me and signed in my presence,

November 12, 2010

Date

at

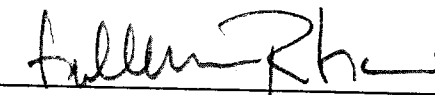
Laredo, Texas

City and State

Guillermo Garcia

U.S. Magistrate Judge

Name and Title of Judicial Officer



Signature of Judicial Officer

United States of America

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vs

J. Guadalupe LUNA

[CONT OF BASIS OF COMPLAINT]

On November 9, 2010, Border Patrol Agent Gilberto Fuentes was dispatched to assist Texas Department of Public Safety (TXDPS) on a vehicle stop. At approximately 10:45 A.M., Texas Department of Public Safety Trooper E. Barrientos and A. Lopez requested assistance on a traffic stop he conducted on a white Freightliner semi-tractor trailer displaying Texas license plate [REDACTED]. The semi-tractor was hauling a flatbed displaying Texas license plate [REDACTED]. The semi-tractor, being operated by J. Guadalupe LUNA, was stopped by TXDPS troopers approximately 2 miles north of the Starr/ Zapata County line on U.S. Highway 83. A further search of the vehicle led to the discovery of seven (7) individuals concealed inside the sleeper portion of the semi-tractor. Border Patrol Agents were dispatched and conducted an immigration inspection on all seven (7) occupants. All seven (7) occupants were found be undocumented aliens with no legal means to enter or remain in the United States. LUNA and the seven (7) undocumented aliens were placed under arrest and transported to the Zapata Border Patrol Station for processing.

Immigration and Customs Enforcement (ICE) Agents responded to the Zapata Border Patrol station to learn the facts of the case. (ICE) agents interviewed the driver J. Guadalupe LUNA who waived his Constitutional Rights as per Miranda and indicated the following.

LUNA stated that to agents that he had been recruited in Houston, Texas, to smuggle the seven (7) undocumented aliens from Rio Grande City, Texas, to Houston, Texas, for \$1,000.00 per person.

Material Witnesses Rosa Esmeralda CARRILLO-Palacios and Juan Carlos GARCIA-Ayon, both positively identified J. Guadalupe LUNA as the driver of the semi-tractor they were being transported in before they were apprehended before law enforcement.

LUNA was arrested for 8 USC 1324, Transporting Undocumented Aliens and taken to the Webb County jail. Undocumented aliens Juan Carlos GARCIA-Ayon and Rosa Esmeralda CARRILLO-Palacios will be held as a material witnesses in this case.